

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON	:	
TALCUM POWDER PRODUCTS	:	MDL NO 16-2738 (FLW)(LHG)
MARKETING, SALES PRACTICES,	:	JUDGE FREDA L. WOLFSON
PRODUCTS LIABILITY LITIGATION	:	MAG. JUDGE LOIS H. GOODMAN
	:	
CHERYL L. JOURNEY and WAYNE	:	COMPLAINT AND JURY DEMAND
JOURNEY, w/h	:	
Plaintiffs,	:	
	:	Civil Action No.: _____
v.	:	
	:	
JOHNSON & JOHNSON,	:	DIRECT FILED ACTION
JOHNSON & JOHNSON CONSUMER,	:	
INC., and	:	
IMERYS TALC AMERICA, INC.	:	

SHORT FORM COMPLAINT AND JURY DEMAND

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

IDENTIFICATION OF PARTIES

Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s):
Cheryl L. Journey
2. At the time of the filing of the specific case, Plaintiff(s) is are a citizen of:
Pennsylvania
3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: **Wayne Journey**
4. Survival and/or Wrongful Death Claims:
Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: **N/A**
5. Plaintiff was born on: **July 13, 1966**
6. Plaintiff is filing this case in a representative capacity as the _____
_____ of the _____, having been duly appointed as the
_____ by the _____ Court of _____. **N/A**
7. As a result of using talcum powder products, Plaintiff suffered personal and economic injuries that are alleged to have been caused by the use of the products identified in paragraph 16 below, but not limited to, the following:

 X injury to herself

 _____ injury to the person represented

 _____ wrongful death

 _____ survivorship action

- ☒ economic loss
- ☒ loss of services
- ☒ loss of consortium
- ☐ other

Identification of Defendants

8. Plaintiffs are suing the following Defendants (please check all that apply)

- ☒ Johnson & Johnson
- ☒ Johnson & Johnson Consumer Inc.
- ☒ Imerys Talc America, Inc. ("Imerys Talc")
- ☐ Personal Care Products Council ("PCPC")

Additional Defendants:

Other(s) Defendant(s) (please specify):

JURISDICTION & VENUE

Jurisdiction:

9. Jurisdiction in this Short Form Complaint is based on:

- ☒ Diversity of Citizenship
- ☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure).

Venue:

10. District Court and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order

entered by this Court and to where remand could be ordered by the Judicial Panel
for trial: **Eastern District of Pennsylvania**

CASE SPECIFIC FACTS

11. Plaintiff(s) currently reside in (City, State): **Folsom, PA**
12. At the time of Plaintiff's diagnosis with a talcum powder product(s)
injury, Plaintiff/Decedent resided in (City/State): **Folsom, PA**
13. The Plaintiff was diagnosed with a talcum powder product(s) injury in:
Chester, Pennsylvania on October 17, 2007
14. To the best of Plaintiff's knowledge, Plaintiff began using talcum
powder product(s) on or about the following date: **1966** and continued the
use of talcum powder product(s) through about the following date: **2016.**
15. The Plaintiff purchased talcum powder product(s) in the following
State(s): **Pennsylvania**
16. Plaintiff used the following talcum powder products:

 X Johnson & Johnson's Baby Powder

 X Shower to Shower

CAUSES OF ACTION

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.

18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):

 X Count I: Products Liability- Strict Liability-Failure to Warn

(Against Imerys Talc)

- X Count II: Products Liability- Strict Liability- Failure to Warn
(Against the Johnson & Johnson Defendants)
- X Count III: Products Liability- Strict Liability- Defective
Manufacturer and Design (Against Imerys Talc)
- X Count IV: Products Liability- Strict Liability- Defective
Manufacturer and Design (Against the Johnson & Johnson
Defendants)
- X Count V: Breach of Express Warranties (Against the Johnson &
Johnson Defendants)
- X Count VI: Breach of Implied Warranty of Merchantability (Against
the Johnson & Johnson Defendants)
- X Count VII: Breach of implied Warranty of Fitness for a Particular
Purpose (Against the Johnson & Johnson Defendants)
- X Count VIII: Negligence (Against Imerys Talc)
- X Count IX: Negligence (Against the Johnson & Johnson Defendants)
- X Count X: Negligence (Against PCPC)
- X Count XI: Negligent Misrepresentation (Against the Johnson &
Johnson Defendants)
- X Count XII: Fraud (Against the Johnson & Johnson Defendants)
- Count XIII: Fraud (Against PCPC)
- X Count XIV: Violation of State Consumer Protection Laws of the State of
Pennsylvania (Against the Johnson & Johnson Defendants)
- X Count XV: Fraudulent Concealment (Against Imerys Talc)
- X Count XVI: Fraudulent Concealment (Against the Johnson &
Johnson Defendants)
- Count XVII: Fraudulent Concealment (Against PCPC)
- X Count XVIII: Civil Conspiracy (Against All Defendants)

X Count XIX: Loss of Consortium (Against All Defendants)

 X Count XX: Punitive Damages (Against All Defendants)

 X Count XXI: Discovery Rule and Tolling (Against All Defendants)

 Count XXII: Wrongful Death (Against All Defendants)

 Count XXIII: Survival Action (Against All Defendants)

 Furthermore, Plaintiff(s) assert(s) the following additional theories and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure.

WHEREFORE, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

JURY DEMAND

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Dated: 11/17/17

Respectfully Submitted by,

NASS CANCELLIERE BRENNER

/s/ Edward M. Nass

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